



**Montana Legislative Services Division**  
**Legal Services Office**

---

**TO:** State Administration and Veterans' Affairs Interim Committee  
**FROM:** K. Virginia Aldrich  
**DATE:** October 31, 2016  
**RE:** Legislative Administrative Rule Review Report

---

Pursuant to 5-5-228, MCA, the State Administration and Veterans' Affairs Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the State Administration and Veterans' Affairs Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the State Administration and Veterans' Affairs Interim Committee and does not preclude additional action that may be taken by the State Administration and Veterans' Affairs Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

**MAR NOTICE NUMBER:** 44-2-220

**AGENCY/BOARD:** Secretary of State

**RULE CLASSIFICATION:** (e.g. substantive/interpretive/emergency/temporary): Substantive

**SUBJECT:** Fees charged by Administrative Rules Services

**NOTICE DESCRIPTION:** (e.g. proposal notice/adoption notice): Notice of Public Hearing on Proposed Amendment

**SUMMARY OF RULE(S):**

The Secretary of State proposes to amend two rules pertaining to administrative rule fees. The Secretary of State proposes to increase the fee for annual subscriptions to the Montana Administrative Register (MAR). The Secretary of State also proposes to increase the fee for a full set of the Administrative Rules of Montana (ARM) and has changed the pricing scheme for individual ARM titles.<sup>1</sup> The Secretary of State also proposes to amend a rule to increase the filing fee cost per page for agencies publishing material in the MAR. The Secretary of State notes that although these fees have not been revised in 10 years, the cost to produce and mail hard-copy versions of the administrative rules has steadily increased. As a result of recently printing hard copies of the ARM, "the Secretary of State was able to discern the actual current cost of printing individual titles." The Secretary of State proposes to adjust the fees to make them "commensurable with the current cost to the Secretary of State of producing these products" and to reduce an operating deficit in the Administrative Rules Section from the past four fiscal years in which the Secretary of State notes that "the revenue generated by the existing fee . . . has

---

<sup>1</sup>The notice contains the full list of price changes.

not covered the actual costs of printing and mailing the Register hard-copies." Lastly, the Secretary of State updated the authority and implementation statutes and made minor clarifications in wording.

The Secretary of State notes that the amount of calendar-year subscribers who will be affected by the fee change in annual ARM subscriptions rates is 32, and the cumulative dollar amount for all persons affected is \$800. The Secretary of State notes that it is "unable to include with any certainty an estimate of the cumulative dollar amount for all persons" for the fees to be charged for individual ARM titles or the initial purchase of an ARM set "because of the sporadic nature of orders for ARM full sets and individual titles." However, the Secretary of State notes that, based on historic sales, "the cumulative dollar amount is expected to be less than \$300 and the number of affected persons is expected to be fewer than five."

**NOTES:** A public hearing is scheduled for November 18, 2016, at 10:00 a.m. in Room 260, State Capitol Building, Helena, Montana. The public comment period ends on November 25, 2016.

**FULL TEXT OF NOTICE:** The full text of the notice proposal may be found online at <http://www.mtrules.org/gateway/ShowNoticeFile.asp?TID=7478>.

CI0425 6306gafa.